

POLICY AND ADMINISTRATIVE PROCEDURES

Indiana Department of Correction

Manual of Policies and Procedures

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V. RESTRICTED CORRESPONDENCE:

An offender must obtain prior approval from the Department to receive or send correspondence to another person if the other person is on parole or:

- A. Held in a correctional facility;
- B. Sentenced to a community corrections program;
- C. Held in a county jail; or,
- D. Participating in a work release program.

The facility or program indicated in A-D may be operated by, or provided through contractual services to, a county, state, province, or federal unit of government. The burden of obtaining permission for such correspondence is with the offender. The offender must establish that the exchange of correspondence is in the best interests of both the confined persons and the facilities involved. This request shall be made on State Form 11985, REQUEST TO CORRESPOND WITH ANOTHER CONFINED PERSON, and shall be directed to the Facility Head or designee for approval or denial. Approval of the request shall indicate that both offenders may correspond with each other.

The Facility Head of the facility housing the requesting offender shall review the request and make a recommendation. If the Facility Head's recommendation is to deny the request, the Facility Head shall indicate the denial and return the request to the offender. If the Facility Head recommends approval, the request shall be sent to the Facility Head of the facility/program housing the other offender. If the receiving facility/program is not under the jurisdiction of the department, the Facility Head shall include a cover letter explaining the request. The Facility Head shall ask that the receiving Facility Head or designee review the request, make a recommendation and return it. The Facility Head or designee of the receiving facility shall contact the offender at that facility to determine whether the request to correspond is mutual.

If the request involves facilities within the department and the two (2) Facility Heads disagree, the originating Facility Head shall forward the request, with all comments, to the appropriate Regional Director/Operations for review and a decision. If the request is between a department facility and a facility or program outside the department's jurisdiction, a denial by either Facility Head shall be considered the final decision.

Any offender placed in segregation for disciplinary or investigative reasons shall not be allowed to correspond with other offenders during the segregation period,

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regardless of any prior approvals. Upon release from segregation, any prior approval normally will be reinstated; however, the Facility Head or designee may rescind the prior approval if it is felt that continued correspondence would be detrimental to the safety and security of the facility, staff or offenders.

Denials of correspondence with other offenders shall not be used as a disciplinary measure, unless the denial is based upon a demonstrated abuse of this privilege by the offender.

An offender who is denied authorization to correspond with a person identified in Procedure V. A. - D. may challenge the decision in accordance with Policy 00-02-301, "Offender Grievance Process." If the request involves an agency outside the jurisdiction of the department and the request is denied by the Facility Head of the outside agency, the decision of the Facility Head shall be final.

VI. PRIVILEGED CORRESPONDENCE:

An offender shall be permitted to mail privileged correspondence to government officials. Only correspondence sent to or received from the government officials in their official capacities as designated in these procedures shall be considered privileged correspondence. Privileged correspondence does not include correspondence mailed to the courts, attorneys, and legal organizations as this correspondence is considered legal mail. Offenders shall be required to designate on the envelope that the correspondence is "privileged." The offender may seal the envelope of privileged correspondence prior to submitting it for mailing.

All outgoing privileged correspondence shall be inspected for contraband and/or prohibited property prior to being sealed. This inspection shall take place in the presence of the offender and once inspected and approved, the privileged correspondence shall be sealed in the presence of the offender. Outgoing privileged correspondence shall not otherwise be opened, read, censored, copied or otherwise interfered with. Once sealed, staff shall not open privileged correspondence unless the facility acquires reason to believe that this correspondence does not meet the requirements to be considered privileged correspondence or it contains material that could jeopardize the health and safety of others or otherwise is in violation of these administrative procedures, as described in more detail below in Procedure VII of these administrative procedures.

In cases where there is reason to believe that correspondence designated as privileged contains prohibited property, contraband or is not for official government business, the facility may open the correspondence and inspect it. When privileged correspondence is opened, staff shall complete State Form 11984, NOTICE AND REPORT OF ACTION TAKEN ON